



Deposition of:
Christopher J. Rossaert

October 13, 2021

In the Matter of:
**Anywhere Commerce Inc., Et Al. v.
Ingenico Inc., Et Al.**

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<p style="text-align: right;">Page 18</p> <p>1 make it simple, I had a contact with Ingenico and</p> <p>2 there was an open position, so I applied for the</p> <p>3 position.</p> <p>4 Q. So I see that you started -- according to</p> <p>5 your LinkedIn profile you started off in China at</p> <p>6 Ingenico; is that accurate?</p> <p>7 A. To be exactly accurate, I moved to Fuzhou</p> <p>8 -- I relocated to Fuzhou in January. So between</p> <p>9 September and January I was doing, kind of, commute</p> <p>10 between France and China.</p> <p>11 Q. And when you were -- when you were with</p> <p>12 Ingenico then, you were back developing -- you were</p> <p>13 back working with phones; is that correct?</p> <p>14 A. No.</p> <p>15 Q. No? Well, then, what did you do for them?</p> <p>16 A. No, Landi is part of Ingenico. They are</p> <p>17 developing a POS.</p> <p>18 Q. Okay. And, then -- so did you -- and</p> <p>19 Landi -- in September of 2010 were you then working</p> <p>20 with Landi?</p> <p>21 A. Can you repeat again, please?</p> <p>22 Q. In 2010 did you start working with Landi?</p> <p>23 A. So it was starting September, yes.</p> <p>24 Q. Okay. Could you describe a little more to</p> <p>25 me about your job at -- with Landi from 2010 to</p>	<p style="text-align: right;">Page 20</p> <p>1 would say a technical development side.</p> <p>2 So on the industrial side there was a</p> <p>3 willingness to consolidate the manufacturing</p> <p>4 capability between Ingenico and Landi. And on the</p> <p>5 engineering side, there was an objective to have</p> <p>6 Landi to use the platform that was developed in</p> <p>7 Valence.</p> <p>8 Q. Understood.</p> <p>9 Were there any -- was there any</p> <p>10 intellectual property that Landi owned at the time</p> <p>11 of its partial acquisition that was -- that was of</p> <p>12 interest to Ingenico?</p> <p>13 A. I don't know what is the question, to be</p> <p>14 honest.</p> <p>15 Q. Okay. Well, did you work to integrate any</p> <p>16 sort of know-how or any sort of technical knowledge</p> <p>17 into Ingenico from Landi?</p> <p>18 A. So I was kind of coordinating the effort</p> <p>19 between the Landi R&D and the Valence R&D.</p> <p>20 Q. And you were -- you were coordinating the</p> <p>21 -- the Landi R&D and the Valence R&D in -- even in</p> <p>22 2010 to 2012?</p> <p>23 A. I would say differently. I was the man in</p> <p>24 the middle to have both team to work together.</p> <p>25 Q. Understood.</p>
<p style="text-align: right;">Page 19</p> <p>1 2012.</p> <p>2 A. So Ceberes [verbatim] or Landi was kind of</p> <p>3 an acquisition from Ingenico, and the operative for</p> <p>4 Ingenico was to, kind of, merge Landi within the</p> <p>5 rest of Ingenico. So I was sent to work on this</p> <p>6 integration effort.</p> <p>7 Q. Okay. How -- so Landi had just been -- I</p> <p>8 think you just -- they had just been acquired by</p> <p>9 Ingenico at the time?</p> <p>10 A. I don't remember the detail on the M&A.</p> <p>11 That was, kind of, shareholder -- I mean I think</p> <p>12 Ingenico became majority shareholder.</p> <p>13 I don't know the details.</p> <p>14 Q. Well, what were the steps that you took --</p> <p>15 I apologize.</p> <p>16 (Court Reporter comment.)</p> <p>17 A. I don't remember the details, to be</p> <p>18 accurate.</p> <p>19 Q. Okay. And I don't mean to interrupt you.</p> <p>20 I apologize.</p> <p>21 What were the steps that you took to</p> <p>22 integrate Landi, this -- this new partial</p> <p>23 acquisition into Ingenico, as best you recall?</p> <p>24 A. So there was -- was in two parts. There</p> <p>25 was an industrial part, and there was the -- I</p>	<p style="text-align: right;">Page 21</p> <p>1 What -- what was -- were there things that</p> <p>2 Landi was working on that were different from what</p> <p>3 Ingenico was working on at -- at this time?</p> <p>4 MR. TECHENTIN: Object.</p> <p>5 A. Correct, before I -- I moved, Landi had</p> <p>6 developed -- had it's own portfolio of product.</p> <p>7 (Court Reporter comment.)</p> <p>8 A. So Landi has its own portfolio of products</p> <p>9 before -- before the -- I would say the September</p> <p>10 sale.</p> <p>11 Q. Okay. So Landi had its own portfolio of</p> <p>12 products. I understand.</p> <p>13 Was that -- was that -- was that portfolio</p> <p>14 of products, then, attractive to Ingenico? Was --</p> <p>15 was that one of the reasons for the acquisition of</p> <p>16 Landi?</p> <p>17 A. I would say differently. I mean, as -- I</p> <p>18 would say it would be more in Ingenico strategy or</p> <p>19 -- to answer, but from my view, that was access to</p> <p>20 the Chinese markets and more business.</p> <p>21 That was a primary objective.</p> <p>22 Q. In addition to that primary objective of</p> <p>23 access to the Chinese markets, was there anything</p> <p>24 attractive about Landi's own platform?</p> <p>25 A. I mean, back in September 2010, the</p>

<p style="text-align: right;">Page 26</p> <p>1 compactability. I would say they were mostly using 2 the same components. And I -- but I don't know 3 anything about the software side which was in 4 development. I wasn't -- 5 (Court Reporter comment.) 6 A. So I could not say about the level of 7 compatibility for the software. 8 Q. You couldn't say about the level of 9 compatibility for the software? 10 A. No. 11 Q. Got it. 12 What -- when you provided Landi with the 13 Ingenico platform, what did you provide Landi with? 14 A. So first I did not -- I was calling it 15 out, so as the R&D in Valence provide -- provided 16 probably the technical information necessary for 17 the development. 18 Q. Did -- did you -- were you the go -- were 19 you -- did the information necessary for 20 development pass through your hands? 21 A. I don't remember. I would probably expect 22 not necessarily. 23 Q. Okay. Did they send over schematics from 24 Ingenico to Landi? 25 A. I don't know. As I said, I was -- there</p>	<p style="text-align: right;">Page 28</p> <p>1 dates. There was kind of a period where I was 2 still working from China or working from France, 3 working in Boston. So it was 10 years ago. So I 4 don't remember the exact dates. I would say my 5 responsibility started in May, but I don't remember 6 where I was specifically located. 7 Q. Now, it -- now it's interesting to me, it 8 says that you're -- on your LinkedIn it says you're 9 the "VP of MPOS Product Management" for Ingenico 10 Mobile Solution (Roam Data.)" 11 Were you with Ingenico or were you -- were 12 you with Roam? 13 A. So I had, kind of, two role: I was 14 working at Roam Data, and I was also having some 15 responsibility with Ingenico. 16 Q. Okay. So I understood -- I understand you 17 had the two roles. 18 What were you -- do you remember was -- 19 was Roam a wholly owned subsidiary of -- of 20 Ingenico at this point? 21 A. I don't remember the exact dates. I think 22 you're -- could be more a question for -- I don't 23 -- I don't know the exact detail at this time. 24 Q. Okay. Okay. But you went -- so you went 25 from working with Landi in China, which was wholly</p>
<p style="text-align: right;">Page 27</p> <p>1 was a team on both side. I was not the guy that 2 was the proxy. The teams were working together, 3 and I was coordinating the product. 4 Q. But you have -- please, I -- I've seen 5 your documents, and I -- I'm not flattering you 6 now; I know you're a very intelligent and capable 7 engineer. Were you involved in -- in passing on 8 different schematics, different aspects of the -- 9 of the Ingenico platform to enable Landi to make 10 the E532? 11 MR. TECHENTIN: Im going to object to 12 form. 13 But go ahead. 14 Q. You can answer. 15 A. I guess I already answered. I was not a 16 proxy to delivering document between the two of 17 them. 18 Q. Okay. So let's go back to your LinkedIn 19 profile. 20 What did you do after May 2012? 21 A. So I -- I moved from -- in a new role 22 working at a Roam Data. 23 Q. At Roam Data, R-o-a-m D-a-t-a. 24 Okay. So you moved to Boston. 25 A. So not -- I don't remember the exact</p>	<p style="text-align: right;">Page 29</p> <p>1 -- which was owned by Ingenico, and then you worked 2 with Roam, but you were still also with Ingenico. 3 How long were you with -- with 4 Roam/Ingenico? 5 A. I'm still working for Ingenico today. 6 Q. I see. I see. 7 You've basically been working with 8 Ingenico since 2010; right? 9 A. Yup. 10 Q. Okay. Now, in the LinkedIn profile it 11 says "In charge of US and international mPOS 12 End-to-End solutions, roadmap definition & 13 delivery." 14 Could you tell me what that means. 15 A. So it mean that as mPOS -- so there is the 16 hardware piece, there is the software piece, there 17 is a back-end piece. So that was my 18 responsibility. It was on the overall solution 19 product development. 20 Q. Okay. So the hardware, the software, and 21 the back end. And you were working for the overall 22 solution to, sort of, integrate all three pieces? 23 A. I'm not sure to understand your question. 24 Q. Well, what -- what aspects of those three 25 different pieces were you working on?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. So there was the product definition. So I</p> <p>2 had some product manager that was specifying the</p> <p>3 product interfacing with the R&D teams to develop</p> <p>4 the products; and I was preparing the -- what we</p> <p>5 call the delivery to --</p> <p>6 (Court Reporter comment.)</p> <p>7 A. -- delivery is to provide the IO for the</p> <p>8 sales and the marketing team to prepare all the --</p> <p>9 (Court Reporter comment.)</p> <p>10 A. -- the material that marketing team and</p> <p>11 sales team would need to be able to promote and to</p> <p>12 sell the -- the product.</p> <p>13 Q. I see here it says that you are -- the</p> <p>14 "Highlights: Delivered complete mPOS hardware and</p> <p>15 SDK strategy & products portfolio involving 4 R&D</p> <p>16 teams (US, France, China, HK)" -- Hong Kong.</p> <p>17 What were those four research and</p> <p>18 development teams that you were working with?</p> <p>19 A. So as I said, so I had the responsibility</p> <p>20 for products within Roam Data. So for Roam Data</p> <p>21 the mobile and the back end was developed in</p> <p>22 Boston. On the card reader, some products -- I</p> <p>23 mean, mostly one product was developed by BBPOS.</p> <p>24 Q. And -- I'm sorry. One more time.</p> <p>25 And what was developed by BBPOS?</p>	<p style="text-align: right;">Page 32</p> <p>1 A. The payment gateway.</p> <p>2 Q. The payment gateway. Okay.</p> <p>3 And what is the payment gateway?</p> <p>4 A. So it's -- to simplify, it's a server that</p> <p>5 is between the card reader and the bank to be able</p> <p>6 to process the transaction.</p> <p>7 Q. The server between the card reader and the</p> <p>8 bank to process the transaction?</p> <p>9 A. Yeah.</p> <p>10 Q. Got it.</p> <p>11 And that was Roam's contribution?</p> <p>12 A. Not only -- I mean, so that was one piece.</p> <p>13 There was also the mobile side where Roam</p> <p>14 Data had developed a mobile application which</p> <p>15 drives the card readers and connect with the back</p> <p>16 end.</p> <p>17 Q. Okay. And now tell me about the BBPOS</p> <p>18 card readers. The G3X, the G4X, and the G5X, what</p> <p>19 were those?</p> <p>20 A. What do you mean now?</p> <p>21 Q. What were the card readers? And you can</p> <p>22 treat me like a -- you can treat me like a child.</p> <p>23 I know more than a child about this stuff, but --</p> <p>24 but it's okay to pretend that I am a child.</p> <p>25 What were the G3, G4, and G5Xs?</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Some card readers. So G3, G4X, G5X.</p> <p>2 Q. Okay.</p> <p>3 A. And there was product developed by Landi,</p> <p>4 so the one with the R&D in China.</p> <p>5 Q. And what -- what did Landi develop?</p> <p>6 A. So Landi developed the product you see</p> <p>7 below, which are below, which are RP350x, RP --</p> <p>8 (Court Reporter comment.)</p> <p>9 A. So the R, like Robert, P350.</p> <p>10 Q. The RP350x, you say?</p> <p>11 A. Yes, and RP750x.</p> <p>12 Q. And the RP750x?</p> <p>13 A. Yes. And with my responsibility for</p> <p>14 Ingenico, we had also some products like ICMP</p> <p>15 developed by Valence. So that's why you can say</p> <p>16 it's four. So Hong Kong, BBPOS, Valence, Ingenico,</p> <p>17 B -- Boston, Roam Data, and Landi.</p> <p>18 Q. Understood.</p> <p>19 Let's take -- let's take them one by one.</p> <p>20 When you say the back end, what was the back end</p> <p>21 solution that Roam Data was providing in this 2012</p> <p>22 to 2015 time frame?</p> <p>23 A. So Roam Data had and still have -- I mean,</p> <p>24 I think -- I think had a payment gateway.</p> <p>25 (Court Reporter comment.)</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. TECHENTIN: Object to form.</p> <p>2 Q. That's fine. What was the G3X?</p> <p>3 A. So G3X is a magstripe swiper.</p> <p>4 Q. And that was delivered -- that was</p> <p>5 developed by BBPOS?</p> <p>6 A. Yes.</p> <p>7 Q. And how about -- what was the G4X?</p> <p>8 A. So -- and, again, it was 10 years ago. So</p> <p>9 I believe G4X was an incremental improvement of</p> <p>10 G3X. So still magstripe swiper.</p> <p>11 Q. And that was also a BBPOS solution?</p> <p>12 A. Yes.</p> <p>13 Q. And, then, what was the G5X?</p> <p>14 A. So I'm not fully sure how to remember. I</p> <p>15 think what we call the G5X was the PayPal form</p> <p>16 factor using G4X solution.</p> <p>17 Q. When -- when did you stop working with</p> <p>18 BBPOS on -- on implementing their G3 through G5X</p> <p>19 card readers?</p> <p>20 A. If I remember, G3 was an existing product</p> <p>21 before I joined.</p> <p>22 Q. Okay.</p> <p>23 A. So although I didn't get with BBPOS, once</p> <p>24 I started being involved with Roam Data.</p> <p>25 Q. Did there come a point in time when --</p>

<p style="text-align: right;">Page 34</p> <p>1 when Ingenico sourced its card readers from another 2 location other than BBPOS? 3 A. Can you repeat the question, please? 4 Q. Did there come a point in time when 5 Ingenico sourced its card readers from someplace 6 other than BBPOS? 7 A. So as Ingenico and if we consider the 8 definition of card readers as a peripheral that 9 rely on the smartphone -- 10 (Court Reporter comment.) 11 A. -- the peripheral reader that need a 12 smartphone. 13 MR. TECHENTIN: A peripheral reader that 14 needs a smartphone? 15 THE WITNESS: Yes. 16 A. So what is your definition of card reader? 17 Q. Well, then, you tell me what happened in 18 the industry with card readers after -- after the 19 G5X. What did Ingenico do next? 20 A. So the industry or Ingenico? 21 Q. What did Ingenico do next? 22 A. So the -- so G3, G4, and G5X were mag 23 stripe only card reader. So only able to read mag 24 stripe accounts. 25 Q. Okay.</p>	<p style="text-align: right;">Page 36</p> <p>1 a development with BBPOS. The product did not 2 materialize finally. 3 Q. Okay. And so what -- so when the BBPOS 4 product did not materialize, what did Ingenico do? 5 A. So we, as Roam Data/Ingenico, we developed 6 an RP350x with Landi. 7 Q. So the RP -- is the RP350x, is that the -- 8 was that then developed with Ingenico, Landi, and 9 Roam -- Roam Data? 10 A. So the RP350x was developed primarily by 11 Landi in term of the device development. 12 Q. And how much input did -- how much input 13 -- how much know-how did BBPOS contribute to the 14 development of the 350x? 15 A. My answer is the development was fully 16 relying on the Landi technology. 17 Q. And could you say that one more time? I 18 apologize. 19 A. So the RP350x is relying on the Landi 20 technology. 21 Q. Does it rely on any BBPOS technology? 22 A. I would repeat my answer: The RP350x rely 23 on the Landi technology. 24 Q. How much of BBPOS's technology was 25 involved in creating Landi's 350x?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. The next evolution was the support of EMV, 2 which is chip counts; and later on IDs were 3 contactless. 4 (Court Reporter comment.) 5 A. And later IDs were contactless. 6 Q. So we went from the swipe to the chip to 7 the contactless; correct? 8 A. Yes. 9 Q. And what -- what role did BBPOS play in 10 developing the chip technology? 11 A. Can you be more specific in your question? 12 Q. Well, you said that Ingenico next moved to 13 the chip; correct? 14 A. Yes. 15 Q. How -- how did Ingenico source or 16 otherwise develop the chip technology? 17 A. So back in -- 10 years ago, so we had -- 18 Roam Data was kind of leading this initiative of 19 bringing an EMV card reader to complement the mag 20 stripe reader. So we had initiative working with 21 BBPOS, and later we diverted to use a Landi. 22 Q. So you -- you switched from using BBPOS to 23 using Landi. 24 A. That's not what I said. 25 I said we started a project investigating</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I did answer the question, I believe. 2 Q. Are you saying that no BBPOS technology 3 was involved in development of the RP350x? 4 A. I said the RP350x was relying on the Landi 5 technology. 6 Q. Okay. So 350x was relying on the Landi 7 technology. Okay. 8 Did it rely at all on the BBPOS 9 technology? 10 A. I don't understand your question. I 11 already answered your -- the same questions. 12 Q. Well, I -- I'm sorry. I just don't feel 13 like I've gotten an answer that I -- that I quite 14 understand either. 15 Did the RP350x rely at all BBPOS 16 technology? 17 A. The RP350x is not using BBPOS technology. 18 Q. Thank you. 19 What was the RP750x? 20 A. So RP750x, it was Bluetooth pin pad. 21 Q. Bluetooth pin pad, you say? 22 A. Yeah. So that mean in addition to read 23 counts, it support pin. 24 (Court Reporter comment.) 25 A. Pin -- so your pin card entry.</p>

Page 102

1 AFTERNOON SESSION (1:16 p.m.)

2 VIDEO OPERATOR: Time is 1:18. We are

3 back on the record.

4 Q. So how was lunch?

5 A. Good. Thank you.

6 Q. Good. And I just -- is there any --

7 sometimes when you have lunch, you have a chance to

8 think about things. Is there anything that we've

9 talked about in the last couple of hours prior to

10 lunch where you -- you've had new insights or you

11 want to change an answer in any way?

12 A. Not right now.

13 Q. Okay. Great. So, hey, let's look at

14 Exhibit 14.

15 (Exhibit 14, email, 5/20/2012,

16 BBPOS_0005186-188.)

17 Q. And Exhibit 14 -- it's BBPOS 5186 through

18 5188. It makes reference to an RF test. Could you

19 tell me, what is an RF test?

20 A. You can -- you can reword as a

21 contactless. Contactless radiofrequency.

22 Q. Okay. And I see here Daniel Tsai is

23 writing "...most probably cannot past the RF test."

24 What did you take him to mean when he

25 wrote that to you?

Page 103

1 A. I mean, from the email, he's acknowledging

2 that the contactless reader prototype that BBPOS

3 had developed was not compliant with the

4 requirements for the EMV Level 1.

5 Q. Understood.

6 Now, I see below in, sort of, the main

7 body of the email on the first page, he then

8 discusses modifications that he believed needed to

9 be made in order to pass the RF test.

10 A. (Witness nods.)

11 Q. Do you know -- do you recollect if

12 BBPOS -- if you asked BBPOS to, in fact, make those

13 modifications to see if -- to see how they worked

14 in terms of helping the device to -- to do better?

15 A. I don't know if they have done in here any

16 change. I do remember that the product we got at

17 Roam that we even asked Valence to make an

18 evaluation was extremely bad from BBPOS. So

19 probably quickly we just gave up on the idea that

20 there will be a BBPOS product. So we didn't

21 continue, but I just...

22 Q. Let me ask you: Had Ingenico devices

23 passed these same -- the RF test, the same test at

24 this time?

25 A. In any contactless product from Ingenico

Page 104

1 do pass the -- the test.

2 Q. Okay. Well, I'm sure that one -- it's the

3 market passes such a test.

4 A. It's -- it's a requirement.

5 Q. Right. Right. But at this -- at this

6 stage of development, as of May 20, 2012, do you

7 recollect, were Ingenico's prototypes passing the

8 RF test?

9 MR. TECHENTIN: Object to form.

10 A. Repeat again the question.

11 Q. At this stage in development, as of May

12 2012, were Ingenico's own devices passing the RF

13 test?

14 A. As I said, any Ingenico product with

15 contactless did pass the EMV Level 1 RF test.

16 Q. So it -- so they passed it -- from the

17 very moment that they were first designed, they

18 passed it?

19 A. Let's say this way: Ingenico has been

20 probably one of the first companies in the world to

21 have EMV contactless capability on their card

22 readers.

23 Q. When were Ingenico devices, including

24 prototypes, passing the RF tests first; do you

25 recall?

Page 105

1 A. I don't recall. Probably before 2010,

2 2009.

3 Q. Okay. Is the battery size of the Ingenico

4 devices, is that the same as the battery size of

5 the BBPOS devices?

6 A. So if you remember the Ingenico -- the

7 mPOS was very new market. Before the mPOS,

8 Ingenico had, let's say, bulky devices. So the

9 size was the -- the size of the battery has nothing

10 to compare. The battery being used in the Ingenico

11 product was maybe five times, ten times what BBPOS

12 was thinking to use.

13 Q. How about the chipsets? Were the -- were

14 the chipsets the same between the two devices?

15 A. So there is two parts -- I mean, two

16 chipset are mentioned. There is an M-Core and -- I

17 don't remember what is the brand, what is exact

18 reference. And that's all there is. And there's

19 the transceiver, which is your -- transceiver -- so

20 receives what is providing the radio capability.

21 So BBPOS -- in this email he is mentioning

22 that they have been looking at PN533, PN511, 512

23 from NXP. And NXP is -- back in 2012 -- I think

24 the leader of the market. So probably most of any

25 payment terminal was using NXP.

<p style="text-align: right;">Page 110</p> <p>1 In 2012 did you have any conversations 2 with Mr. Lazare? 3 A. Mr. who? 4 Q. Lazare? I apologize to you. 5 A. Lazare. I -- no, not in June -- in June 6 2012, no. I didn't have direct communication with 7 him. 8 Q. Did you have any conversations with any -- 9 with anybody in Ingenico about substituting in 10 Landi for BBPOS? 11 A. This was on June 27. I don't remember 12 this discussion in June 27 -- by June 27. 13 Q. Let me ask you: For all of 2012, do you 14 remember having any discussions with anybody in 15 Ingenico management about substituting in Landi for 16 BBPOS? 17 A. So in -- back in 2012? So if you 18 remember, we had this prestudy where we had this 19 BBPOS plus Valence; the BBPOS alone scenario. At 20 one point of the time the prestudy was terminated 21 on the Valence/BBPOS scenario, and I don't remember 22 the dates. 23 Landi was developing for its own markets 24 mPOS, and we did look at this new scenario to use 25 Landi to develop an EMV and POS reader.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. And that board meeting was June 27, 2012. 2 Let's go to Exhibit 17. 3 (Exhibit 17, email, 7/3/2012, 4 IngenicoInc_0069335.) 5 Q. It will be about six days, maybe a week 6 thereafter. It was previously marked as Graylin 7 13. 8 Ben Lo was sending six samples of G4X in 9 PayPal form factors to Boston that day. Boston, is 10 that -- is that where Roam Data is located? 11 A. Yes. 12 Q. Okay. So six days after that board 13 meeting, Ben is still sending materials to Roam. 14 What -- do you know why he sent those six samples 15 of G4X? 16 A. So if you remember, this morning I said 17 that -- I believe the G5X was the PayPal. So 18 actually in July we were still calling the G4X 19 PayPal. So it just show that we were deeply 20 engaged working with BBPOS to develop a swiper only 21 for Roam Data with the specific industrial design 22 of PayPal. 23 So as part of development, BBPOS made the 24 prototypes, sent some samples to Boston. 25 Q. Did Ingenico wind up selling the BBPOS</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. When -- when were you informed that 2 Ingenico would be -- would be minimizing the 3 relationship with BBPOS and would be maximizing the 4 role of Landi? 5 A. As I said this morning, the relationship 6 with BBPOS remained active until 2012 -- 2018 -- 7 sorry. 8 Q. When were you informed that Landi would 9 play a larger role in the development of products 10 with Ingenico and Roam? 11 A. Could you repeat your question, please. 12 Q. When were you informed that Landi was 13 going to play a larger role in the development of 14 products with Ingenico and Roam? 15 A. I think by, I would say, second half of 16 2012 we did review the scenario with Landi 17 developing the product -- the product which ended 18 up being the RP 350X. 19 So I would say second half of 2012 would 20 be the tail end of that. 21 Q. Was -- was Landi the third-party solution 22 for not having BBPOS hold Ingenico hostage? 23 MR. TECHENTIN: Object to form. 24 A. I cannot answer the question. I was not 25 aware of the hostage discussion. So...</p>	<p style="text-align: right;">Page 113</p> <p>1 prototype in final form to PayPal? 2 A. We -- I mean, we have been selling it 3 until 2018, the G4X PayPal products. 4 Q. Yeah. 5 Let me go to Exhibits 18 and 19. 6 (Exhibit 18, email, 7/10/2012, 7 Ingenicinc_0283863-864, French.) 8 (Exhibit 19, email, 7/10/2012, 9 IngenicoInc_0283863-864, English.) 10 MR. TECHENTIN: Is this another one of the 11 translated? 12 MR. KESSLER: It is. And my guess is that 13 you will object to the English translation, and if 14 you do, that's -- I note it. 15 Do you have any objection to the French -- 16 the French original? 17 MR. TECHENTIN: Not for the purposes of 18 today's deposition, but I did -- 19 MR. KESSLER: Okay. 20 MR. TECHENTIN: -- you know, I -- you 21 know, Peter, obviously my objection is to the 22 definitiveness of the translation, and I don't 23 want -- I don't want to put Mr. Rotsaert in the 24 position of being a translator here. That's not -- 25 he's not a translator.</p>

<p style="text-align: right;">Page 170</p> <p>1 that. I'm wrong.</p> <p>2 Q. I apologize, Mr. Rotsaert. You actually</p> <p>3 did -- you wrote that. I was attributing it to</p> <p>4 Fred wrongfully. It was actually you who wrote it.</p> <p>5 So why would you want to try to kick out</p> <p>6 BBPOS?</p> <p>7 A. I mean, from a product strategy, being</p> <p>8 able to streamline and having one supplier makes</p> <p>9 sense from an industrial standpoint. That was --</p> <p>10 that was an opportunity. Did not materialize, but</p> <p>11 it was an opportunity.</p> <p>12 Q. And on the prior page this email that is</p> <p>13 from you -- and so I apologize for the error</p> <p>14 before. I sincerely apologize. I really didn't</p> <p>15 mean to mislead you. I was misleading myself.</p> <p>16 The email on the page prior from March 8,</p> <p>17 2013, at 12:02 p.m., at the very bottom you write,</p> <p>18 "One key drawback with Landi will be about IP for</p> <p>19 US. Could you confirm M30 is not using power from</p> <p>20 mobiel [verbatim] but only from coin battery?</p> <p>21 BBPOS patent is on using mobile power. For</p> <p>22 polarity switch, could you check if your solution</p> <p>23 differs from BBPOS one on G4X."</p> <p>24 Do you recall this concern that you had?</p> <p>25 A. I don't remember, but reading the email, I</p>	<p style="text-align: right;">Page 172</p> <p>1 to replace BBPOS for Landi?</p> <p>2 A. Again, as I replied earlier, is from a</p> <p>3 product management industrial strategy, it makes --</p> <p>4 it was making sense to look at the transition from</p> <p>5 BBPOS to -- to Landi. And we did not -- we did</p> <p>6 continue to market the BBPOS swiper in 2018, and</p> <p>7 just to say we did not move forward on this --</p> <p>8 (Reporter Comment.)</p> <p>9 A. We did not pursue on the strategy to</p> <p>10 replace BBPOS for the swiper.</p> <p>11 Q. Were you trying to replace BBPOS with</p> <p>12 Landi as much as possible across all available</p> <p>13 lines?</p> <p>14 A. I did answer. So we had already RP350X,</p> <p>15 RP750X. We were using the BBPOS G4X and BBPOS G4X</p> <p>16 for PayPal. The question was should we consider to</p> <p>17 replace the two BBPOS device by Landi products. So</p> <p>18 we did run some prestudy with the PP100X, RP100x,</p> <p>19 which is mentioned in this -- in this email.</p> <p>20 Q. Now, Landi was a wholly owned subsidiary</p> <p>21 of Ingenico; right?</p> <p>22 A. I -- I don't remember the exact detail on</p> <p>23 the American side. It seemed a bit complicated I</p> <p>24 would say.</p> <p>25 Q. Well, did Ingenico own any of BBPOS at</p>
<p style="text-align: right;">Page 171</p> <p>1 think what is important to -- to remind you that</p> <p>2 when you develop an EMV card reader, you have a</p> <p>3 battery. No question. Always. So when we develop</p> <p>4 the RP350X, we had a battery, and using whatever</p> <p>5 power from the smartphone was not relevant. When</p> <p>6 BBPOS develop a G4X or the G3X, right, they were</p> <p>7 developing the technology where they were using the</p> <p>8 power from the phone.</p> <p>9 And in this email I mention that M30,</p> <p>10 which is a product that Landi did develop for its</p> <p>11 own market in China, which was only a swiper. If</p> <p>12 we had consider to use M30 to develop the Roam Data</p> <p>13 swiper-only products, I wanted to ensure that</p> <p>14 Landi, whatever its involvement in China, was not</p> <p>15 using these capabilities on the product.</p> <p>16 Q. I see Exhibit 52, which is</p> <p>17 IngenicoInc_0167838 through 0167887.</p> <p>18 (Exhibit 52, email, 3/22/2013,</p> <p>19 IngenicoInc_0167838-887.)</p> <p>20 Q. You wrote "Hi Fred, Any feedback? I</p> <p>21 really would like to replace BBPOS by Landi for</p> <p>22 PayPal here generation 2 project. Thanks,</p> <p>23 Christopher."</p> <p>24 That's March 22nd, 2013.</p> <p>25 Can you tell me more about why you wanted</p>	<p style="text-align: right;">Page 173</p> <p>1 this point in time?</p> <p>2 A. Could you repeat your question?</p> <p>3 Q. Did Ingenico own any of BBPOS at this</p> <p>4 point in time?</p> <p>5 A. The answer is no.</p> <p>6 Q. Okay. Let me ask you to take a look at</p> <p>7 Exhibit 53. It's IngenicoInc_0185285.</p> <p>8 MR. TECHENTIN: 5285?</p> <p>9 MR. KESSLER: Yeah. And then it goes to</p> <p>10 0185286.</p> <p>11 MR. TECHENTIN: And this is 53?</p> <p>12 MR. KESSLER: Yes.</p> <p>13 (Exhibit 53, email, 5/4/2013,</p> <p>14 IngenicoInc_01685285-286.)</p> <p>15 A. Okay.</p> <p>16 Q. Do you remember winning a -- winning a</p> <p>17 deal with Redecard in Brazil?</p> <p>18 A. Yes, I do remember a project we had for</p> <p>19 Brazil. I don't remember if we finally made more</p> <p>20 than just a pilot or even something. I don't</p> <p>21 remember.</p> <p>22 Q. Okay. And the -- at the top of the page</p> <p>23 0185286, you wrote to Fred at Landi, "Could you</p> <p>24 send me the SDK (your current configuration and</p> <p>25 encryption), product spec and data sheet and 2/3</p>